

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Vincent Freeman, II,

Plaintiff(s),

VS.

LVMPD, et al.,

Defendant(s).

2:23-cv-01139-CDS-MDC

ORDER FOR SUMMONS AND SERVICE

The Court issued an amended screening order on October 30, 2024. ECF No. 16. The Court gave plaintiff an opportunity to amend his complaint by no later than November 29, 2024. *Id.* Plaintiff has not filed an amended complaint and the time to do so has passed. Thus, plaintiff's original complaint (ECF No. 17) will serve as his operative complaint, as construed by and subject to the Court's 10/30/2024 Amended Screening Order (ECF No. 16).

Because plaintiff is an incarcerated individual proceeding pro se, plaintiff is entitled to rely on the U.S. Marshal for service. *Puett v. Blandford*, 912 F.2d 270, 275 (9th Cir. 1990) (an incarcerated pro se plaintiff proceeding in forma pauperis is entitled to rely on the U.S. Marshal for service of the summons and complaint by providing the "necessary information to help effectuate service"); *see also* 28 U.S.C. § 1915(d); Fed. R. Civ. P. 4(c)(3); *Chavez v. Robinson*, 817 F.3d 1162, 1166 n.2 (9th Cir. 2016), as amended on reh'g (Apr. 15, 2016) ("[Section] 1915(d) provides that when a plaintiff is proceeding IFP, 'the officers of the court shall issue and serve all process.'").

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1 ACCORDINGLY,

2 **IT IS ORDERED that:**

3 1. The Clerk of Court is kindly directed send Plaintiff four blank copies of form USM-285.

4 2. Plaintiff shall have until **January 16, 2025**, to fill out the required USM-285 forms and send
5 it to the U.S. Marshals Service, 333 Las Vegas Blvd. South, Suite 2058, Las Vegas NV
6 89101. On the form, Plaintiff must fill in defendants' last-known addresses.

7 3. The Clerk of Court is kindly directed to issue summons for the defendants.

8 4. The Clerk of Court is kindly directed to serve a copy of this order, the issued summons, the
9 operative complaint (ECF No. 17), and the screening order (ECF No. 16) on the U.S.
10 Marshals Service.

11 5. Upon receipt of the USM-285 form, the U.S. Marshals Service shall, in accordance with
12 Federal Rule of Civil Procedure 4(c)(3), attempt service on the defendants.

13 6. Within **20 days** after plaintiff receives copy of the completed USM-285 forms from the U.S.
14 Marshal, plaintiff must file a notice with the court stating if defendant was served.

15 7. If Plaintiff wishes to have service again attempted on an unserved defendant, a motion must
16 be filed with the Court identifying the unserved defendant and specifying a more detailed
17 name and/or address for said defendant, or whether some other manner of service should be
18 attempted.

19 DATED this 17th day of December 2024.

20 IT IS SO ORDERED.



21 Hon. Maximiliano D. Couvillier III
22 United States Magistrate Judge

23 **NOTICE**

24 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
25 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

1 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
2 may determine that an appeal has been waived due to the failure to file objections within the specified
3 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

4 This circuit has also held that (1) failure to file objections within the specified time and (2)
5 failure to properly address and brief the objectionable issues waives the right to appeal the District
6 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
7 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
8 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
9 change of address. The notification must include proof of service upon each opposing party's attorney,
10 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
11 result in dismissal of the action.

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